

**REMARKS**

Claims 1, 2, 4-7 and 9-13 are all the claims pending in the application.

**I. Preliminary Matters**

Applicants thank the Examiner for withdrawing the rejections under 35 U.S.C. § 101 and § 112 in view of the Amendment filed May 26, 2009.

**II. Claim Rejections - 35 U.S.C. § 103**

On page 2 of the Office Action, claims 1, 2 and 4-7 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Syudo (EP 1151751), in view of Jehn-Rendu et al. (U.S. Patent Publication No. 2003/0012760). Applicants traverse the rejection.

It is alleged in the Office Action that the present claims recite the genus “magnesium hydroxide-aluminum hydroxide co-precipitate” and that the present specification at page 8, line 6 discloses that magnesium aluminometasilicate, which is disclosed by Syudo, is encompassed by the genus.

Applicants submit that magnesium aluminometasilicate is not a species of magnesium hydroxide-aluminum hydroxide co-precipitate, as alleged in the Office Action. That is, magnesium hydroxide-aluminum hydroxide co-precipitate is a definite substance name, and does not refer to a genus. Therefore, magnesium hydroxide-aluminum hydroxide co-precipitate is a substance completely different from the magnesium aluminometasilicate.

Magnesium hydroxide-aluminum hydroxide co-precipitate is described in the present specification, e.g., at page 7, line 36 through page 8, line 1, and the magnesium aluminometasilicate is described, e.g., at page 8, lines 6-8 of the present specification.

Furthermore, Applicants submit that magnesium hydroxide-aluminum hydroxide co-precipitate has a structure represented by  $2.5 \text{ MgO} \cdot \text{Al}_2\text{O}_3 \cdot x\text{H}_2\text{O}$  ( $\text{Al}_2\text{O}_3$ : 25-35%,  $\text{MgO}$ : 25-35%)

while magnesium aluminometasilicate has a structure represented by  $\text{Al}_2\text{O}_3 \cdot \text{MgO} \cdot 1.7\text{SiO}_2 \cdot x\text{H}_2\text{O}$ , for example.

Accordingly, Applicants submit that a *prima facie* case of obviousness has not been made because the combination of Syudo and Jehn-Rendu et al. does not teach or suggest each and every feature of present claim 1. That is, Syudo do not teach or suggest using magnesium hydroxide-aluminum hydroxide co-precipitate as required by claim 1, and further, Jehn-Rendu et al. do not make up for the deficiencies of Syudo in this regard.

Applicants submit that claims 2 and 4-7 are at least patentable over the combination of Syudo and Jehn-Rendu et al. by virtue of their dependency from claim 1.

Withdrawal of the rejection is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Joseph Hsiao  
Registration No. 51,822

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: October 16, 2009